

APPROVED MINUTES

KITTERY TOWN COUNCIL

May 11, 2015

COUNCIL CHAMBERS

1. Call to Order

Chairperson Thomson called the meeting to order at 7:00 P.M.

2. Introductory

Chairperson Thomson read the introductory.

3. Pledge of Allegiance

Chairperson Thomson led those present in the Pledge of Allegiance.

4. Roll Call

Answering the roll were Chairperson Jeffrey Thomson, Councilors Russell White, Frank Dennett, Chuck Denault, Judy Spiller, Jeffrey Pelletier and Ken Lemont.

5. Agenda Amendment and Adoption –

Chairperson Thomson stated that he would like to add Item 13Q to appoint Maryann Place as the acting town manager from May 26-28 in the manager's absence. He continued he would like to move Item 13M to be the first item heard under new business.

6. Town Manager's Report –

Town Manager Puff stated that the final report for the Pepperrell Cove wave study was now available online. She continued that the conclusion of the study was that it was not feasible.

Town Manager Puff noted that Sargent Corporation was continuing to work on the sewer extension project on Route 236 and would be completing three more days of nightwork.

Town Manager Puff indicated that WILSSA had been awarded a \$250,000 grant from the National Park Service. She continued that they were seeking an additional \$200,000 from state legislature.

Town Manager Puff noted that the Planning Board was about to begin review of a proposal for a four story Hampton Inn at the outlets.

Town Manager Puff stated they had received written correspondence that the owner of the 40 Old Post Road property was going to appeal the decision.

7. Acceptance of Previous Minutes –4/27/15 Special Meeting, 4/27/15 Regular Meeting

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The Special Meeting Minutes of 4/27/15 were accepted as presented. The minutes of 4/27/15 Regular Meeting were accepted as amended.

8. Interviews for the Board of Appeals and Planning Board – None
9. All items involving the town attorney, town engineers, town employees or other town consultants or requested officials – None
10. PUBLIC HEARINGS -

a. (050215-1) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled “Ordinance Approving Additional Local Funds for School Budget for Fiscal Year 2015-2016”.

Chairperson Thomson noted this public hearing was advertised in the local media on May 1st.

Superintendent Hutton noted this was a formula used by the State and additional local funds were needed to be able to provide the services.

Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR WHITE MOVED THAT THE TOWN OF KITTERY HEREBY ORDAINS IN ACCORDANCE WITH THE SEPARATE APPROVAL REQUIREMENT OF TITLE 20-A, SECTION 15671-A(5)(B) THAT \$2,184,322.03 BE RAISED AND APPROPRIATED IN ADDITIONAL LOCAL FUNDS, WHICH EXCEEDS THE STATE’S ESSENTIAL PROGRAMS AND SERVICES ALLOCATION MODEL BY \$1,923,958.98 AS REQUIRED TO FUND THE BUDGET RECOMMENDED BY THE SCHOOL COMMITTEE, SECONDED BY COUNCILOR SPILLER.

Councilor Dennett indicated that he would be voting against this issue.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

b. (050215-2) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled “Ordinance Approving School Budget for Fiscal Year 2015-2016”.

Chairperson Thomson noted this public hearing was advertised in the local media on May 1st. Chairperson Thomson then opened the public hearing.

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Drew Fitch came to the podium and stated that he supported the school budget and thought that the schools needed the funds to move forward.

Colin Matzo came to the podium and stated that he agreed with Mr. Fitch and hoped Council would support the budget. Chairperson Thomson then closed the public hearing.

COUNCILOR PELLETIER MOVED THAT THE KITTERY TOWN COUNCIL HEREBY ORDAINS PURSUANT TO TITLE 20-A, SECTIONS 1485 AND 15690, THAT THE FOLLOWING SCHOOL BUDGET ARTICLES BE ADOPTED AND APPROVED FOR FISCAL YEAR 2015-2016; FOR REGULAR INSTRUCTION \$6,145,815.14, FOR SPECIAL EDUCATION \$2,751,900.50, FOR CAREER AND TECHNICAL EDUCATION \$6,380.00, FOR OTHER INSTRUCTION \$314,852.54, FOR STUDENT AND STAFF SUPPORT \$1,597,277.16, FOR SCHOOL ADMINISTRATION \$520,657.57, FOR TRANSPORTATION AND BUSES \$540,373.19, FOR FACILITIES MAINTENANCE \$1,456,822.47 FOR DEBT SERVICE AND OTHER COMMITMENTS \$1,088,367.51 AND FOR ALL OTHER EXPENDITURES \$70,000, SECONDED BY COUNCILOR WHITE.

Councilor Dennett noted that he was opposed to this as well because it was overextending its expenditures. Chairperson Thomson noted that he had received a lot of emails from residents who indicated that they would be happy to pay more in tax money to fund the school but no one seemed to note that there were people in town for who that would create a hardship for. He continued that residents also seemed to believe that the schools have fallen behind but he thought that a lot of projects had been completed to better the school district. Chairperson Thomson indicated that he wished that more residents would support an increase in the municipal budget as that would help the town as a whole.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

c. (050215-3) The Kittery Town Council moves to hold a public hearing to approve and hereby ordains an ordinance entitled "Ordinance Approving Transfer of Year-End Balances to Dedicated Accounts".

Chairperson Thomson noted this public hearing was advertised in the local media on May 1st. Chairperson Thomson then opened the public hearing and no response being heard, closed the public hearing.

COUNCILOR PELLETIER MOVED THAT THE TOWN OF KITTERY HEREBY ORDAINS THAT \$352,894 BE TRANSFERRED FROM THE SCHOOL'S AUDITED 2013-2014 FISCAL YEAR UNDESIGNATED GENERAL FUND BALANCE, AND BE EXPENDED AS FOLLOWS, \$0 FOR THE SCHOOL MAINTENANCE DEDICATED ACCOUNT, \$150,000 FOR THE SCHOOL SPECIAL EDUCATION

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**DEDICATED ACCOUNT, \$192,894.00 FOR THE UNFUNDED LIABILITIES
DEDICATED ACCOUNT, \$0 FOR THE SCHOOL TECHNOLOGY DEDICATED
ACCOUNT AND \$10,000 FOR THE SCHOOL CO/EXTRA CURRICULAR SUCCESS
DEDICATED ACCOUNT, SECONDED BY COUNCILOR DENAULT.**

**A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES
7/0.**

11. Discussion

a. Discussion by members of the public –

George Dow came to the podium and noted relative to Chairperson Thomson's comments that maybe the municipal budget should go in front of the voters like the school budget does.

Dan Poulin came to the podium and stated that he had been charged for two building permits and he did not understand why that had happened.

b. Response from Chairperson –

Chairperson Thomson responded to Mr. Dow that change would require a Charter Commission.

12. UNFINISHED BUSINESS

13. NEW BUSINESS

m. (050215-16) The Kittery Town Council moves to sign a resolution regarding Chapter 16.5 Building/Regulated Activity Permits relating to expired permits and renewal fees.

Chairperson Thomson indicated that this was a proposal by the Manager and staff to come up with a fair remedy to the issue. He continued that it would need to be a code change. Town Manager Puff stated that the ordinance omitted a renewal fee for a building permit and Council could resolve this issue by putting the fee into the code. She continued that it may be more appropriate to have an extension with a time limit. Chairperson Thomson read the resolution to address the issue. Councilor Dennett indicated the changes he thought needed to the resolution and thought that it would be better to come up with a proposal to clean the issue up. Chairperson Thomson stated that he thought a code amendment would be coming before Council quickly and had no issue moving forward at this point.

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CHAIRPERSON THOMSON MOVED TO SIGN A RESOLUTION REGARDING CHAPTER 16,5 BUILDING/REGULATED ACTIVITY PERMITS RELATING TO EXPIRED PERMITS AND RENEWAL FEES, SECONDED BY COUNCILOR LEMONT.

A ROLL CALL VOTE WAS TAKEN WITH COUNCILOR DENNETT OPPOSED. MOTION PASSES 6/1.

a. Donations/gifts received for Council disposition -

(050215-4) The Kittery Town Council moves to accept a donation in the amount of \$100 from Sharon McLaughlin for the Community Center and to deposit said funds in account #2063-43600.

COUNCILOR PELLETIER MOVED TO ACCEPT A DONATION IN THE AMOUNT OF \$100 FROM SHARON MCLAUGHLIN FOR THE COMMUNITY CENTER TO DEPOSIT SAID FUNDS IN ACCOUNT \$2063-43600, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MOTION PASSES 7/0.

b. (050215-5) The Kittery Town Council moves to approve a renewal application from Sonmat, Inc., 7 Wallingford Square, Unit 102, Kittery for a Malt, Spirituous and Vinous Liquor License for Anju Noodle Bar, 7 Wallingford Square, Unit 102.

c. (050215-6) The Kittery Town Council moves to approve a renewal application from Badger's Island Pizza LLC, 30 Remicks Lane, Kittery for a Malt, Spirituous and Vinous Liquor License for Badger's Island Pizza, 3 Island Ave.

d. (050215-7) The Kittery Town Council moves to approve a renewal application from Stella's Sweet Café, 21 Chauncey Creek Road, Kittery Point for a Malt, Spirituous and Vinous Liquor License for Stella's Sweet Café, 1 Government Street, Suite 3.

e. (050215-8) The Kittery Town Council moves to approve a renewal application from Robert's Maine Grill, 326 Route 1, Kittery for a Malt, Spirituous and Vinous Liquor License for Robert's Maine Grill, 326 Route 1.\

f. (050215-9) The Kittery Town Council moves to approve a renewal application from WLH Management Corp., 149 Mendums Landing, Barrington, NH for a Malt, Spirituous and Vinous Liquor License for Warren's Lobster House, 11 Water Street.

g. (050215-10) The Kittery Town Council moves to approve a renewal application from Weathervane Seafoods, 31 Badgers's Island West, Kittery for a Malt, Spirituous and Vinous Liquor License for Weathervane Seafoods, 31 Badger's Island West.

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COUNCILOR DENNETT MOVED TO APPROVE ITEMS 13B THROUGH G IN TOTAL, AND TO PASS THEM BY UNANIMOUS CONCENT, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

h. (050215-11) The Kittery Town Council moves to approve the disbursement warrants.

CHAIRPERSON THOMSON MOVED TO APPROVE THE DISBURSEMENT WARRANTS, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

i. (050215-12) The Kittery Town Council moves to authorize the Kittery Block Party Committee to hang a banner across Rogers Road in front of the Community Center from June 8th to June 22nd for the Kittery Block Party.

COUNCILOR SPILLER MOVED TO AUTHORIZE THE KITTERY BLOCK PARTY COMMITTEE TO HANG A BANNER ACROSS ROGERS ROAD IN FRONT OF THE COMMUNITY CENTER FROM JUNE 8TH TO JUNE 22ND FOR THE KITTERY BLOCK PARTY, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

j. (050215-13) The Kittery Town Council moves to schedule a public hearing for the FY '16 Budget.

COUNCILOR PELLETIER MOVED TO SCHEDULE A PUBLIC HEARING FOR THE FY'16 BUDGET ON JUNE 8TH, SECONDED BY COUNCILOR WHITE.

A VOICE CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

k. (050215-14) The Kittery Town Council moves to schedule a public hearing to receive comments on Town Meeting Articles 2 through 7 for the June 9th election.

COUNCILOR SPILLER MOVED TO SCHEDULE A PUBLIC HEARING TO RECEIVE COMMENTS ON TOWN MEETING ARTICLES 2 THROUGH 7 FOR THE JUNE 9TH ELECTION ON JUNE 8TH, SECONDED BY COUNCILOR PELLETIER.

A VOICE CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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l. (050215-15) The Kittery Town Council moves to approve a request from Kittery/Eliot VFW Memorial Post 9394 to hold the Memorial Day Parade and Ceremonies on Sat. May 23rd beginning at 9:00 A.M. on Walker Street.

COUNCILOR SPILLER MOVED TO APPROVE A REQUEST FROM KITTERY/ELIOT VFW MEMORIAL POST 9394 TO HOLD THE MEMORIAL DAY PARADE AND CEREMONIES ON SAT. MAY 23RD BEGINNING AT 9:00 A.M. ON WALKER STREET, SECONDED BY COUNCILOR PELLETIER.

A VOICE CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

n. (050215-17) The Kittery Town Council moves to reconsider its vote on the ordainment of Title 4.2.3 Procedures F1 of the Kittery Town Code.

COUNCILOR DENNETT MOVED TO RECONSIDER THE VOTE ON THE ORDAINMENT OF TITLE 4.2.3 PROCEDURES F1 OF THE KITTERY TOWN CODE, SECONDED BY COUNCILOR PELLETIER.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR.

A ROLL CALL VOTE WAS TAKEN ON THE ORIGINAL MOTION WITH AMENDMENTS WITH ALL IN FAVOR. MOTION PASSES 7/0.

o. (050215-18) The Kittery Town Council moves to schedule a public hearing pursuant to Section 6.11 (2) of the Town Charter to approve and ordain a 3-year waste handling agreement with EcoMaine.

COUNCILOR WHITE MOVED TO SCHEDULE A PUBLIC HEARING PURSUANT TO SECTION 6/11(2) OF THE TOWN CHARTER TO APPROVE AND ORDAIN A 3 YEAR WASTE HANDLING AGREEMENT WITH ECOMAINE ON MAY 27TH, SECONDED BY COUNCILOR PELLETIER WITH ALL IN FAVOR. MOTION PASSES 7/0.

p. (050215-19) The Kittery Town Council moves to authorize free Fort Foster passes for the crew and families of the USS Annapolis.

COUNCILOR SPILLER MOVED TO AUTHORIZE FREE FORT FOSTER PASSES FOR THE CREW AND FAMILIES OF THE USS ANNAPOLIS, SECONDED BY COUNCILOR DENAULT.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

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q. The Kittery Town Council moves to appoint Maryann Place as acting Town Manager from May 26th through May 28th during the manager's absence.

COUNCILOR PELLETIER MOVED TO APPOINT MARYANN PLACE AS ACTING TOWN MANAGER FROM MAY 26TH THROUGH MAY 28TH DURING THE MANAGER'S ABSENCE, SECONDED BY COUNCILOR WHITE.

A ROLL CALL VOTE WAS TAKEN WITH ALL IN FAVOR. MOTION PASSES 7/0.

14. COUNCILOR ISSUE OR COMMENT

Councilor Dennett indicated that the finance manager had done a great job recently getting reimbursed by the State for expenses.

Councilor Denault stated that the previous Wednesday had been the Boy Scouts merit badge for community ceremony. He thanked the Town Manager for coming on such short notice and stated that it was a great night.

15. COMMITTEE AND OTHER REPORTS

a. Communications from the Chairperson –

Chairperson Thomson noted that next Tuesday was the final free community lecture at the KCC.

Chairperson Thomson indicated that the second meeting in May would be held on Wednesday, May 27th due to the holiday.

b. Committee Reports –

Councilor Spiller noted that WILSSA had met the previous Saturday and had started to develop a maintenance plan. She continued they would likely be bringing forward something to Council in the near future.

16. EXECUTIVE SESSION – None

17. ADJOURNMENT

COUNCILOR PELLETIER MOVED TO ADJOURN, SECONDED BY COUNCILOR DENAULT WITH ALL IN FAVOR. MEETING ADJOURNED AT 8:07 P.M.